

Entered: August 3rd, 2023

Signed: August 2nd, 2023

SO ORDERED*Maria Elena Chavez-Ruark*MARIA ELLENA CHAVEZ-RUARK
U.S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

In re:

BARBARA ANN KELLY,

Debtor.

Case Number: 23-12700-MCR
(Chapter 13)

ORDER EXTENDING DEADLINE TO RESPOND TO CLAIM OBJECTIONS

The above-captioned bankruptcy case was commenced on April 19, 2023, upon the filing of a Chapter 13 Voluntary Petition by Barbara Ann Kelly (the “Debtor”). On May 15, 2023, Naples Property Holding Company, LLC, Naples Beach Club Land Trust Trustee, LCC as Trustee, Naples Beach Club Phase II and III Land Trust Trustee, LLC, as Trustee, and NBC Club Owner, LLC (collectively, the “NBC Entities”) filed a Motion to Dismiss [Dkt. No. 15] (the “NBC Entities’ Motion to Dismiss”). The NBC Entities’ Motion to Dismiss requests dismissal of the Debtor’s case pursuant to Section 109(e) of the Bankruptcy Code and requests the imposition of a two-year bar to refile based on the Debtor’s alleged bad faith conduct. Despite initially opposing the NBC Entities’ Motion to Dismiss, the Debtor filed a Notice of Voluntary Dismissal on July 7, 2023, requesting the dismissal of her case pursuant to Section 1307(b) of the Bankruptcy Code

[Dkt. No. 76] (the “Debtor’s Motion to Dismiss” and, together with the Motion to Dismiss, the “Motions to Dismiss”).¹

On July 10, 2023, the Court held a hearing to consider the Motions to Dismiss and the various responses thereto (the “Dismissal Hearing”). In light of the Debtor’s Motion to Dismiss, the main focus at the Dismissal Hearing was whether this case should be dismissed with a 180-day bar to refiling pursuant to Section 109(g) or dismissed subject to a longer bar to refiling based on the Debtor’s alleged bad faith conduct pursuant to Section 105(a). The Court took the Motions to Dismiss under advisement at the conclusion of the Dismissal Hearing and the Motions to Dismiss remain pending as of the date of entry of this Order.

Notwithstanding the pending Motions to Dismiss, on July 24, 2023, the Debtor filed objections to eleven (11) proof of claims filed in her case [Dkt. Nos. 86-87, 89-97] (together, the “Claim Objections”). Specifically, the Claim Objections object to the proofs of claim filed by the following claimants (together, the “Claimants”):

- Anastasia Law, P.L. – Claim No. 6-1 in the amount of \$45,738.51 [Dkt. No. 90];
- Credit Suisse First Boston Mortgage Acceptance Corp., CSFB Mortgage-Backed Pass-Through Certificates, Series 2005-11, U.S. Bank National Association, as Trustee, c/o Specialized Loan Servicing LLC, servicer – Claim No. 11-1 in the amount of \$4,102,962.60 [Dkt. No. 97];
- Dunlap Bennett & Ludwig PLLC – Claim No. 7-1 in the amount of \$59,547.90 [Dkt. No. 89];
- Florida Power & Light – Claim No. 1-1 in the amount of \$878.73 [Dkt. No. 92];

¹ Fed. R. Bankr. P. 1017(f)(2) provides that the dismissal of a Chapter 13 case under “§ 1307(b) shall be on motion filed and served as required by Rule 9013.” Fed. R. Bankr. P. 1017. Accordingly, the Court is treating the Notice of Voluntary Dismissal as a motion to dismiss.

- Naples Golf and Beach Club, Inc. – Claim No. 12-1 in an unliquidated amount [Dkt. No. 87];
- Naples Property Holding Company, LLC; Naples Beach Club Land Trust Trustee, LLC; Naples Beach Club Phase II and III Land Trustee, LLC; and NBC Club Owner, LLC – Claim No. 13-1 in an unliquidated amount [Dkt. No. 86];
- Pillsbury Winthrop Shaw Pittman LLP – Claim No. 10-1 in the amount of \$258,828.62 [Dkt. No. 91];
- Seaside Town Council, Inc. a/k/a Seaside III HOA Neighborhood Association, Inc.– Claim No. 9-1 in the amount of \$22,931.66 [Dkt. No. 95];
- U.S. Bank National Association, successor trustee to Bank of America, NA, successor by merger to LaSalle Bank NA, as trustee, on behalf of the holders of the WaMu Mortgage Pass-Through Certificates Series 2007-OA4 Trust, c/o Select Portfolio Servicing, Inc., servicer – Claim No. 8-1 in the amount of \$2,698,674.36 [Dkt. No. 96];
- Verizon, by American InfoSource as agent – Claim No. 4-1 in the amount of \$1,132.79 [Dkt. No. 94]; and
- Washington Suburban Sanitary Commission – Claim No. 3-1 in the amount of \$10,617.96 [Dkt. No. 93].

In total, the Debtor has objected to eleven (11) of the thirteen (13) proof of claims filed in her case.

As required by Md. L.B.R. 3007-1, each of the Claim Objections contains a notice giving the Claimant thirty (30) days to file a response to the Claim Objection. However, in light of the pending Motions to Dismiss, the Court finds that the response deadline should be extended until after the Court enters an order disposing of the Motions to Dismiss.

For these reasons, it is, by the United States Bankruptcy Court for the District of Maryland, hereby

ORDERED, that the deadline for the Claimants to oppose or otherwise respond to the Claim Objections is extended to thirty (30) days after the date of entry of an order disposing of the Motions to Dismiss.

cc: Debtor (pro se)
Chapter 13 Trustee
U.S. Trustee
Interested Party Gregory B. Myers
All creditors and parties in interest

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END OF ORDER